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17 Attorneys for Defendant  
18 SAFEWAY INC.

19 UNITED STATES DISTRICT COURT  
20 NORTHERN DISTRICT OF CALIFORNIA  
21

22 MICHAEL RODMAN, on behalf of himself  
23 and all others similarly situated,

24 Plaintiff,

25 v.

26 SAFEWAY INC.,

27 Defendant.  
28

Case No. 11-03003 JST (JCS)

**JOINT STIPULATION AND ~~PROPOSED~~  
ORDER EXONERATING BOND AND  
SURETY**

1 Plaintiff Michael Rodman on behalf of himself and the certified Class (“Plaintiff”) and  
2 Defendant Safeway Inc. (“Safeway”) stipulate as follows:

3 WHEREAS, the Court entered final judgment in favor of Plaintiff for breach of contract  
4 damages plus pre-judgment interest against Safeway on November 30, 2015 (Dkt. No. 406) (the  
5 “Judgment”).

6 WHEREAS, a Supersedeas Bond was issued by surety Westchester Fire Insurance  
7 Company and posted on behalf of Safeway on January 5, 2016 in the sum of Forty Two Million  
8 and No/100 Dollars (\$42,000,000.00), Bond No. K08504040, in conjunction with Safeway’s  
9 appeal to the United States Court of Appeals for the Ninth Circuit from the Judgment, and filed  
10 with the Court on January 7, 2016 (Dkt. No. 415).

11  
12 WHEREAS, the United States Court of Appeals for the Ninth Circuit affirmed the  
13 Judgment.

14 WHEREAS, Safeway has satisfied the Judgment in full by depositing into a Judgment  
15 Distribution Fund with Huntington National Bank the amount of Forty Two Million Three  
16 Hundred Twenty One Thousand Three Hundred Fifty Five and 45/100 Dollars (\$42,321,355.45)  
17 on December 15, 2017.<sup>1</sup>

18  
19 WHEREAS, the parties agree that the Court may now release and exonerate Bond No.  
20 K08504040.

21  
22  
23  
24  
25  
26  
27 <sup>1</sup> As set forth in the parties Joint Case Management Report and Stipulation Regarding Judgment  
28 Distribution, Dkt. No. 473, Safeway is obligated to pay Class Counsel \$118,610.80 for taxable  
costs by January 15, 2018.

**IT IS SO STIPULATED.**

Dated: December 18, 2017

REED SMITH LLP

By: /s/ Jonah D. Mitchell\*

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Attorneys for Defendant  
SAFEWAY INC.

Dated: December 18, 2017

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MICHAEL RODMAN and the Class

\* I, Jonah D. Mitchell, am the ECF User whose identification and password are being used to file this document. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that Steven A. Schwartz have concurred in this filing.

**~~PROPOSED~~ ORDER**

**PURSUANT TO STIPULATION, IT IS HEREBY ORDERED** that the Supersedeas Bond issued by surety Westchester Fire Insurance Company and posted on behalf of Safeway on January 5, 2016 in the sum of Forty Two Million and No/100 Dollars (\$42,000,000.00), Bond No. K08504040, in conjunction with Safeway's appeal to the United States Court of Appeals for the Ninth Circuit from the Judgment, and surety Westchester Fire Insurance Company are released, exonerated and discharged from further liability forthwith.

Date: December 19, 2017

  
\_\_\_\_\_  
HON. JON S. TIGAR